

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MAR 28 2023

SEAN F. McAVOY, CLERK  
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA.

Case No.: 2:22-CR-48-RMP-1

Plaintiff.

11(c)(1)(C) Plea Agreement

v.

JOSEPH LEROY MARTINEZ.

Defendant.

The United States of America, by and through Vanessa R. Waldref, United States Attorney the Eastern District of Washington, and Richard R. Barker, Assistant United States Attorney for the Eastern District of Washington, and Defendant Joseph Leroy Martinez (“Defendant”), both individually and by and through Defendant’s counsel, Federal Defender Andrea George, agree to the following 11(c)(1)(C) Plea Agreement.

## 1. Guilty Plea and Maximum Statutory Penalties

Defendant agrees to enter a plea of guilty pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) to Count 2 of the Indictment filed on April 19, 2022, which charges Defendant with Assault Resulting in Serious Bodily Injury in Indian Country, in violation of 18 U.S.C. § 113(a)(6), 1153, a Class C felony.

Defendant understands that the following potential penalties apply:

a. a term of imprisonment of not more than 10 years;

- b. a term of supervised release of up to three years;
- c. a fine of up to \$250,000;
- d. restitution; and
- e. a \$100 special penalty assessment.

2. Supervised Release

6 Defendant understands that if Defendant violates any condition of  
7 Defendant's supervised release, the Court may revoke Defendant's term of  
8 supervised release, and require Defendant to serve in prison all or part of the term  
9 of supervised release authorized by statute for the offense that resulted in such term  
10 of supervised release without credit for time previously served on postrelease  
11 supervision, up to the following terms:

- a. 5 years in prison if the offense that resulted in the term of Supervised Release is a class A felony,
- b. 3 years in prison if the offense that resulted in the term of Supervised Release is a class B felony, and/or
- c. 2 years in prison if the offense that resulted in the term of Supervised Release is a class C felony.

18 Accordingly, Defendant understands that if Defendant commits one or more  
19 violations of supervised release, Defendant could serve a total term of  
20 incarceration greater than the maximum sentence authorized by statute for  
21 Defendant's offense or offenses of conviction.

3. The Court is Not a Party to this Plea Agreement

The Court is not a party to this Plea Agreement and may accept or reject it.

Defendant acknowledges that no promises of any type have been made to Defendant with respect to the sentence the Court will impose in this matter.

Defendant understands the following:

a. sentencing is a matter solely within the discretion of the Court;

- b. the Court is under no obligation to accept any recommendations made by the United States or Defendant;
- c. the Court will obtain an independent report and sentencing recommendation from the United States Probation Office;
- d. the Court may exercise its discretion to impose any sentence it deems appropriate, up to the statutory maximum penalties;
- e. the Court is required to consider the applicable range set forth in the United States Sentencing Guidelines, but may depart upward or downward under certain circumstances; and
- f. the Court may reject recommendations made by the United States or Defendant, and that will not be a basis for Defendant to withdraw from this Plea Agreement or Defendant's guilty plea except as otherwise set forth in this Federal Rule of Criminal Procedure 11(c)(1)(C) Plea Agreement.

#### 4. - - - Rule-11-Nature-of-the-Plea-Agreement

Defendant acknowledges that this Plea Agreement is entered pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) (“Rule 11(c)(1)(C)”). Pursuant to Rule 11(c)(1)(C), the United States and Defendant agree that the appropriate disposition of the case is 15-21 months in custody.<sup>1</sup> Defendant’s federal sentence also shall be followed by 3 years of Supervised Release. The United States and

<sup>1</sup> Defendant is separately agreeing to plead guilty in Colville Case No. CR-2021-44154 and agreeing to a recommended sentencing range of 6 months in Tribal custody in the Tribal case to run consecutively with his sentence in this federal case. Pursuant this plea agreement the parties agree that Defendant will receive credit toward his federal sentence for the time already served in Tribal custody from on or about December 2, 2021 through the day Defendant was formally placed into the custody of the U.S. Marshals on or about April 19, 2022. Defendant understands he will not receive credit toward his Tribal sentence in 2021-44154 for the time already served in Tribal custody; rather this prior period in Tribal custody will be credited toward his federal sentence.

1 Defendant agree to make sentencing recommendations consistent with this  
2 sentencing range to the Court. Although the United States and Defendant agree to  
3 make these recommendations to the Court pursuant to Rule 11(c)(1)(C), Defendant  
4 acknowledges that no promises of any type have been made to Defendant with  
5 respect to the sentence the Court will ultimately impose.

6 Defendant understands that Defendant may withdraw from this Plea  
7 Agreement if the Court imposes a term of imprisonment of greater than 21 months  
8 in custody or indicates its intent to do so. Defendant also understands that the  
9 United States may withdraw from this Plea Agreement if the Court imposes a term  
10 of imprisonment of less than 15 months, or imposes a sentence to run concurrently  
11 with any sentence in Colville Case No. CR-2021-44154, or indicates its intent to  
12 do so.

13 The United States and Defendant acknowledge that the imposition of any  
14 fine, restitution, or conditions of Supervised Release are not part of the Rule  
15 11(c)(1)(C) nature of this Plea Agreement; that the United States and Defendant  
16 are free to make any recommendations they deem appropriate as to the imposition  
17 of fines, restitution, or conditions of Supervised Release unless specified otherwise  
18 herein; and that the Court will exercise its discretion in this regard. The United  
19 States and Defendant acknowledge that the Court's decisions regarding the  
20 imposition of fines, restitution, or conditions of Supervised Release will not  
21 provide bases for Defendant to withdraw Defendant's guilty plea or withdraw from  
22 this Rule 11(c)(1)(C) Plea Agreement.

23 Defendant acknowledges that if either the United States or Defendant  
24 successfully withdraws from this Plea Agreement, the Plea Agreement becomes a  
25 nullity, and the United States is no longer bound by any representations within it.

26 5. Potential Immigration Consequences of Guilty Plea

27 If Defendant is not a citizen of the United States, Defendant understands the  
28 following:

- 1 a. pleading guilty in this case may have immigration
- 2 consequences;
- 3 b. a broad range of federal crimes may result in Defendant's
- 4 removal from the United States, including the offense to which
- 5 Defendant is pleading guilty;
- 6 c. removal from the United States and other immigration
- 7 consequences are the subject of separate proceedings; and
- 8 d. no one, including Defendant's attorney or the Court, can predict
- 9 with absolute certainty the effect of a federal conviction on
- 10 Defendant's immigration status.

11 Defendant affirms that Defendant is knowingly, intelligently, and voluntarily  
12 pleading guilty as set forth in this Plea Agreement, regardless of any immigration  
13 consequences that Defendant's guilty plea may entail.

14 6. Waiver of Constitutional Rights

15 Defendant understands that by entering this guilty plea, Defendant is  
16 knowingly and voluntarily waiving certain constitutional rights, including the  
17 following:

- 18 a. the right to a jury trial;
- 19 b. the right to see, hear and question the witnesses;
- 20 c. the right to remain silent at trial;
- 21 d. the right to testify at trial; and
- 22 e. the right to compel witnesses to testify.

23 While Defendant is waiving certain constitutional rights, Defendant  
24 understands that Defendant retains the right to be assisted by an attorney through  
25 the sentencing proceedings in this case and any direct appeal of Defendant's  
26 conviction and sentence, and that an attorney will be appointed at no cost if  
27 Defendant cannot afford to hire an attorney.

1       Defendant understands and agrees that any defense motions currently  
2 pending before the Court are mooted by this Plea Agreement, and Defendant  
3 expressly waives Defendant's right to bring any additional pretrial motions.

4       7. Elements of the Offense

5       The United States and Defendant agree that in order to convict Defendant of  
6 Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §113(a)(6),  
7 1153, the United States would have to prove the following beyond a reasonable  
8 doubt.

2021 (RRB) amg/jm

9       *First*, on or about December 2, 2022, in the Eastern District of Washington,  
10 Defendant assaulted M.H. by intentionally striking M.H. and using a display of  
11 force that reasonably caused M.H. to fear immediate bodily harm;

12       *Second*, as a result, M.H. suffered serious bodily injury;

13       *Third*, the assault took place within the exterior boundaries of the  
14 Confederated Tribes of the Colville Reservation, in Indian country;

15       *Fourth*, Defendant is an Indian and an enrolled member of the Confederated  
16 Tribes of the Colville Reservation; and

17       *Fifth*, the Confederated Tribes of the Colville Reservation is a federally-  
18 recognized tribe.

19       8. Factual Basis and Statement of Facts

20       The United States and Defendant stipulate and agree to the following: the  
21 facts set forth below are accurate; the United States could prove these facts beyond  
22 a reasonable doubt at trial; and these facts constitute an adequate factual basis for  
23 Defendant's guilty plea.

24       The United States and Defendant agree that this statement of facts does not  
25 preclude either party from presenting and arguing, for sentencing purposes,  
26 additional facts that are relevant to the Sentencing Guidelines computation or  
27 sentencing, unless otherwise prohibited in this Plea Agreement.

1       On December 2, 2021, Defendant, an enrolled member of the Colville Tribe,  
 2 observed M.H. outside Defendant's home on Defendant's property on the Colville  
 3 Reservation. Defendant, who knew M.H. to use and distribute illegal narcotics on  
 4 the Colville Reservation, retrieved a machete from a truck and attacked M.H.  
 5 outside Defendant's home. Defendant hit M.H. at least two times with the  
 6 machete, including on the back of M.H.'s head and M.H.'s hand, nearly severing  
 7 M.H.'s thumb – which constitutes serious bodily injury. After the assault,  
 8 Defendant remained on scene, where he was placed under arrest without incident.  
 9 Defendant stated to Tribal Law Enforcement that M.H. was trespassing. To the  
 10 extent M.H. was on Defendant's property, Defendant acknowledges that he used  
 11 excessive force under the circumstances of the assault.

12       9. The United States' Agreements

13       The United States Attorney's Office for the Eastern District of Washington  
 14 agrees that at the time of sentencing, the United States will move to dismiss Count  
 15 1-of-the-Indictment-filed-on-April-19, 2022, which charges Defendant with Assault  
 16 with a Dangerous Weapon in Indian Country, in violation of 18 U.S.C. § 113(a)(3),  
 17 1153.

18       The United States Attorney's Office for the Eastern District of Washington  
 19 agrees not to bring additional charges against Defendant based on information in  
 20 its possession at the time of this Plea Agreement that arise from conduct that is  
 21 either charged in the Indictment or identified in discovery produced in this case,  
 22 unless Defendant breaches this Plea Agreement before sentencing.

23       10. United States Sentencing Guidelines Calculations

24       Defendant understands and acknowledges that the United States Sentencing  
 25 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine  
 26 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.  
 27 The United States and Defendant agree to the following Guidelines calculations.

28       a. Base Offense Level

1       The United States and the Defendant agree that the base offense level for  
2 Assault Resulting in Serious Bodily Injury is 14. U.S.S.G. § 2A2.2(a).

3           b. Special Offense Characteristics

4       The United States and the Defendant agree that Defendant's base offense  
5 level is increased by a total of 9 levels because Defendant used dangerous weapon  
6 (machete) and serious bodily injury resulted. U.S.S.G. § 2A2.2(b)(2)-(3).

7           c. Acceptance of Responsibility

8       The United States will recommend that Defendant receive a three-level  
9 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.  
10 § 3E1.1(a), (b), if Defendant does the following:

- 11           i.       accepts this Plea Agreement;
- 12           ii.      enters a guilty plea at the first Court hearing that takes  
13                      place after the United States offers this Plea Agreement;
- 14           iii.     demonstrates recognition and affirmative acceptance of  
15                      Defendant's personal responsibility for Defendant's  
16                      criminal conduct;
- 17           iv.      provides complete and accurate information during the  
18                      sentencing process; and
- 19           v.        does not commit any obstructive conduct.

20       The United States and Defendant agree that at its option and on written  
21 notice to Defendant, the United States may elect not to recommend a reduction for  
22 acceptance of responsibility if, prior to the imposition of sentence, Defendant is  
23 charged with, or convicted of, any criminal offense, or if Defendant tests positive  
24 for any controlled substance.

25           d. No Other Agreements

26       The United States and Defendant have no other agreements regarding the  
27 Guidelines or the application of any Guidelines enhancements, departures, or  
28 variances. Defendant understands and acknowledges that the United States is free

1 to make any sentencing arguments it sees fit, including arguments arising from  
2 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed  
3 pursuant to this Agreement, and Defendant's relevant conduct.

4                   e. Criminal History

5                   The United States and Defendant have no agreement and make no  
6 representations about Defendant's criminal history category, which will be  
7 determined by the Court after the United States Probation Office prepares and  
8 discloses a Presentence Investigative Report.

9                   11. Incarceration

10                  The parties agree to recommend a sentence between 15 and 21 months'  
11 incarceration. Defendant agrees to recommend in Tribal Court that his sentence in  
12 Colville Tribal Case No. CR-2021-44154 shall run consecutively with his sentence  
13 in this federal case. Any time spent in Tribal Custody prior to Defendant's federal  
14 sentencing shall count toward his federal sentence and not toward any Tribal  
15 sentence.

16                  12. Supervised Release

17                  The United States and Defendant each agree to recommend 3 years of  
18 supervised release. Defendant agrees that the Court's decision regarding the  
19 conditions of Defendant's Supervised Release is final and non-appealable; that is,  
20 even if Defendant is unhappy with the conditions of Supervised Release ordered by  
21 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty  
22 plea, withdraw from this Plea Agreement, or appeal Defendant's conviction,  
23 sentence, or any term of Supervised Release.

24                  The United States and Defendant agree to recommend that in addition to the  
25 standard conditions of supervised release imposed in all cases in this District, the  
26 Court should also impose the following conditions:

27                   a.           The United States Probation Officer may conduct, upon  
28                                    reasonable suspicion, and with or without notice, a search of

Defendant's person, residences, offices, vehicles, belongings, and areas under Defendant's exclusive or joint control.

- b. Defendant shall participate and complete such drug testing and drug treatment programs as the Probation Officer directs.
- c. Defendant shall complete mental health evaluations and treatment, including taking medications prescribed by the treatment provider. Defendant shall allow reciprocal release of information between the Probation Officer and the treatment provider. Defendant shall contribute to the cost of treatment according to the Defendant's ability.

### 13. Criminal Fine

The United States and Defendant may make any recommendation concerning the imposition of a criminal fine. Defendant acknowledges that the Court's decision regarding a fine is final and non-appealable; that is, even if Defendant is unhappy with a fine ordered by the Court, that will not be a basis for Defendant to withdraw Defendant's guilty plea, withdraw from this Plea Agreement, or appeal Defendant's conviction, sentence, or fine.

#### 14. Mandatory Special Penalty Assessment

Defendant agrees to pay the \$100 mandatory special penalty assessment to the Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C. § 3013.

## 15. Restitution

The United States and Defendant agree that restitution is appropriate and mandatory, without regard to Defendant's economic situation, to identifiable victims who have suffered physical injury or pecuniary loss, pursuant to 18 U.S.C. §§ 3663A, 3664.

Pursuant to 18 U.S.C. § 3663(a)(3), Defendant voluntarily agrees to pay restitution for all losses caused by Defendant's individual conduct, in exchange for

1 the United States not bringing additional potential charges, regardless of whether  
2 counts associated with such losses will be dismissed as part of this Plea  
3 Agreement. With respect to restitution, the United States and Defendant agree to  
4 the following:

5                   a. Restitution Amount and Interest

6                   The United States and Defendant stipulate and agree that, pursuant to 18  
7 U.S.C. §§ 3663, 3663A and 3664, the Court should order restitution in an amount  
8 to be determined at the time of sentencing, and that any interest on this restitution  
9 amount, if any, should be waived.

10                  b. Payments

11                  To the extent restitution is ordered, the United States and Defendant agree  
12 that the Court will set a restitution payment schedule based on Defendant's  
13 financial circumstances. 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant  
14 agrees to pay not less than 10% of Defendant's net monthly income towards  
15 restitution.

16                  c. Treasury Offset Program and Collection

17                  Defendant understands the Treasury Offset Program ("TOP") collects  
18 delinquent debts owed to federal agencies. If applicable, the TOP may take part or  
19 all of Defendant's federal tax refund, federal retirement benefits, or other federal  
20 benefits and apply these monies to Defendant's restitution obligations. 26 U.S.C.  
21 § 6402(d); 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

22                  Defendant understands that the United States may, notwithstanding the  
23 Court-imposed payment schedule, pursue other avenues to ensure the restitution  
24 obligation is satisfied, including, but not limited to, garnishment of available funds,  
25 wages, or assets. 18 U.S.C. §§ 3572, 3613, and 3664(m).

26                  Nothing in this acknowledgment shall be construed to limit Defendant's  
27 ability to assert any specifically identified exemptions as provided by law, except  
28 as set forth in this Plea Agreement.

1       Until Defendant's fine and restitution obligations are paid in full, Defendant  
2 agrees fully to disclose all assets in which Defendant has any interest or over  
3 which Defendant exercises control, directly or indirectly, including those held by a  
4 spouse, nominee or third party.

5       Until Defendant's fine and restitution obligations are paid in full, Defendant  
6 agrees to provide waivers, consents, or releases requested by the U.S. Attorney's  
7 Office to access records to verify the financial information.

8           d. Notifications and Waivers

9       Defendant agrees to notify the Court and the United States of any material  
10 change in Defendant's economic circumstances (e.g., inheritances, monetary gifts,  
11 changed employment, or income increases) that might affect Defendant's ability to  
12 pay restitution. 18 U.S.C. § 3664(k). Defendant also agrees to notify the United  
13 States of any address change within 30 days of that change. 18 U.S.C.  
14 § 3612(b)(1)(F). These obligations cease when Defendant's fine and restitution  
15 obligations are paid in full.

16       Defendant acknowledges that the Court's decision regarding restitution is  
17 final and non-appealable; that is, even if Defendant is unhappy with the amount of  
18 restitution ordered by the Court, that will not be a basis for Defendant to withdraw  
19 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal  
20 Defendant's conviction, sentence, or restitution order.

21           16. Payments While Incarcerated

22       If Defendant lacks the financial resources to pay the monetary obligations  
23 imposed by the Court, Defendant agrees to earn money toward these obligations by  
24 participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

25           17. Additional Violations of Law Can Void Plea Agreement

26       The United States and Defendant agree that the United States may, at its  
27 option and upon written notice to the Defendant, withdraw from this Plea  
28 Agreement or modify its sentencing recommendation if, prior to the imposition of

1 sentence, Defendant is charged with or convicted of any criminal offense or tests  
2 positive for any controlled substance.

3       18. Waiver of Appeal Rights

4       In return for the concessions that the United States has made in this Plea  
5 Agreement, Defendant agrees to waive Defendant's right to appeal Defendant's  
6 conviction and sentence if the Court imposes a term of imprisonment consistent  
7 with the terms of this Rule 11(c)(1)(C) Plea Agreement.

8       If the Court indicates its intent to impose a sentence above the Rule  
9 11(c)(1)(C) terms of this Agreement and Defendant chooses *not* to withdraw, then  
10 Defendant: (a) may appeal only Defendant's sentence, but not Defendant's  
11 conviction; (b) may appeal Defendant's sentence only if it exceeds the high end of  
12 the Guidelines range determined by the Court; and (c) may appeal only the  
13 substantive reasonableness of Defendant's sentence.

14       Defendant expressly waives Defendant's right to appeal any fine, term of  
15 supervised release, or restitution order imposed by the Court.

16       Defendant expressly waives the right to file any post-conviction motion  
17 attacking Defendant's conviction and sentence, including a motion pursuant to 28  
18 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from  
19 information not now known by Defendant and which, in the exercise of due  
20 diligence, Defendant could not know by the time the Court imposes sentence.

21       Nothing in this Plea Agreement shall preclude the United States from  
22 opposing any post-conviction motion for a reduction of sentence or other attack  
23 upon the conviction or sentence, including, but not limited to, writ of habeas  
24 corpus proceedings brought pursuant to 28 U.S.C. § 2255.

25       19. Compassionate Release

26       In consideration for the benefits Defendant is receiving under the terms of  
27 this Plea Agreement, Defendant expressly waives Defendant's right to bring any  
28 motion for Compassionate Release other than a motion arising from one of the

1 specific bases set forth in this paragraph of this Plea Agreement. The United States  
2 retains the right to oppose, on any basis, any motion Defendant files for  
3 Compassionate Release.

4 The only bases on which Defendant may file a motion for Compassionate  
5 Release in the Eastern District of Washington are the following:

6 a. Medical Condition of Defendant

7 i. Defendant is suffering from a terminal illness (i.e., a  
8 serious and advanced illness with an end of life  
9 trajectory). A specific prognosis of life expectancy (i.e.,  
10 a probability of death within a specific time period) is not  
11 required. Examples include metastatic solid-tumor  
12 cancer, amyotrophic lateral sclerosis (ALS), end-stage  
13 organ disease, and advanced dementia; or  
14 ii. Defendant is suffering from a serious physical or medical  
15 condition, a serious functional or cognitive impairment,  
16 or deteriorating physical or mental health because of the  
17 aging process that substantially diminishes the ability of  
18 the defendant to provide self-care within the environment  
19 of a correctional facility and from which Defendant is not  
20 expected to recover.

21 b. Age of Defendant

22 i. Defendant is at least 65 years old, is experiencing a  
23 serious deterioration in physical or mental health because  
24 of the aging process; and has served at least 10 years or  
25 75 percent of Defendant's term of imprisonment,  
26 whichever is less; or  
27 ii. Defendant is at least 70 years old and has served at least  
28 30 years in prison pursuant to a sentence imposed under

18 U.S.C. § 3559(c) for the offense or offenses for which  
Defendant is imprisoned.

c. Family Circumstances

- i. The caregiver of Defendant's minor child or children has died or become incapacitated, and Defendant is the only available caregiver for Defendant's minor child or children; or
- ii. Defendant's spouse or registered partner has become incapacitated, and Defendant is the only available caregiver for Defendant's spouse or registered partner.

d. Subsequent Reduction to Mandatory Sentence

- i. Defendant pleaded guilty to an offense which, on the date of Defendant's guilty plea, carried a mandatory minimum sentence; and
- ii. after the entry of judgment, the length of the mandatory minimum sentence for Defendant's offense of conviction was reduced by a change in the law; and
- iii. the application of the reduced mandatory minimum sentence would result in Defendant receiving a lower overall sentence.

e. Ineffective Assistance of Counsel

- i. Defendant seeks Compassionate Release based on a claim of ineffective assistance of counsel arising from information that Defendant both
  1. did not know at the time of Defendant's guilty plea, and
  2. could not have known, in the exercise of due diligence, at the time the Court imposed sentence.

1           20. Withdrawal or Vacatur of Defendant's Plea

2           Should Defendant successfully move to withdraw from this Plea Agreement  
3 or should Defendant's conviction be set aside, vacated, reversed, or dismissed  
4 under any circumstance, then:

- 5           a.     this Plea Agreement shall become null and void;
- 6           b.     the United States may prosecute Defendant on all available  
7           charges;
- 8           c.     The United States may reinstate any counts that have been  
9           dismissed, have been superseded by the filing of another  
10           charging instrument, or were not charged because of this Plea  
11           Agreement; and
- 12           d.     the United States may file any new charges that would  
13           otherwise be barred by this Plea Agreement.

14           The decision to pursue any or all of these options is solely in the discretion  
15           of the United States Attorney's Office. - - - - -

16           Defendant agrees to waive any objections, motions, and/or defenses  
17           Defendant might have to the United States' decisions to seek, reinstate, or reinitiate  
18           charges if a count of conviction is withdrawn, set aside, vacated, reversed, or  
19           dismissed, including any claim that the United States has violated Double  
20           Jeopardy.

21           Defendant agrees not to raise any objections based on the passage of time,  
22           including alleged violations of any statutes of limitation or any objections based on  
23           the Speedy Trial Act or the Speedy Trial Clause of the Sixth Amendment.

24           21. Integration Clause

25           The United States and Defendant acknowledge that this document  
26           constitutes the entire Plea Agreement between the United States and Defendant,  
27           and no other promises, agreements, or conditions exist between the United States  
28           and Defendant concerning the resolution of the case.

1        This Plea Agreement is binding only on the United States Attorney's Office  
2 for the Eastern District of Washington, and cannot bind other federal, state, or local  
3 authorities.

4 The United States and Defendant agree that this Agreement cannot be  
5 modified except in a writing that is signed by the United States and Defendant.

### Approvals and Signatures

7 Agreed and submitted on behalf of the United States Attorney's Office for  
8 the Eastern District of Washington.

9      Vanessa R. Waldref  
10     United States Attorney

R R B.L  
Richard R. Barker  
Assistant United States Attorney

3/28/23  
Date

14 I have read this Plea Agreement and I have carefully reviewed and discussed  
15 every part of this Plea Agreement with my attorney. I understand the terms of this  
16 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and  
17 voluntarily. I have consulted with my attorney about my rights, I understand those  
18 rights, and I am satisfied with the representation of my attorney in this case. No  
19 other promises or inducements have been made to me, other than those contained  
20 in this Plea Agreement. No one has threatened or forced me in any way to enter  
21 into this Plea Agreement. I agree to plead guilty because I am guilty.

Joseph Leroy Martinez  
Joseph Leroy Martinez  
Defendant

3/28/23  
Date

26 I have read the Plea Agreement and have discussed the contents of the  
27 agreement with my client. The Plea Agreement accurately and completely sets  
28 forth the entirety of the agreement between the parties. I concur in my client's

1 decision to plead guilty as set forth in the Plea Agreement. There is no legal  
2 reason why the Court should not accept Defendant's guilty plea.

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5 Andrea George  
6 Attorney for Defendant

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